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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/846,119	04/30/2001	Yitzhak Gilboa	5298-04700 PM00028	5235		
35617	7590	11/04/2004	<table border="1"><tr><td>EXAMINER</td></tr><tr><td>GOUDEAU, GEORGE A</td></tr></table>		EXAMINER	GOUDEAU, GEORGE A
EXAMINER						
GOUDEAU, GEORGE A						
CONLEY ROSE, P.C. P.O. BOX 684908 AUSTIN, TX 78768			ART UNIT	PAPER NUMBER		
			1763			

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/846,119	GILBOA ET AL. <i>TH</i>
	<b>Examiner</b>	<b>Art Unit</b>
	George A. Goudreau	1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 06 July 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-6,8,9,12-15,17-19 and 22-36 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1-6,8,9,12-15,17-19 and 31-36 is/are allowed.  
 6) Claim(s) 22-30 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*George A. Goudreau*  
**GEORGE GOUDREAU**  
**PRIMARY EXAMINER**

*10-29-04*

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

Art Unit: 1763

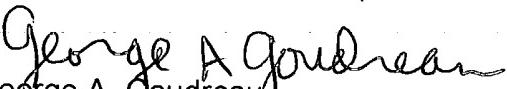
1. This action will not be made final due to the new grounds of rejection.
2. Claims 22-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

-The wording used in claim 22 is written in a very confusing manner, and should be reworded. (In claim 22, how can the dielectric layer be polished in the absence of a fluid? In claim 22, what is the required thickness of the additional layer underneath the dielectric layer to be reduced to? In claim 22, how can the additional layer underneath the dielectric layer be reduced?); and

-The wording used in claims 24-25 is written in a very confusing manner, and should be rewritten. (In claims 24-25, how can the additional layer be reduced by forming the additional layer? The term forming implies depositing a layer, and not etching a layer. The term reducing implies etching a layer, and not depositing a layer. Applicant's jargon is contradictory.)

3. Claims 1-6, 8-9, 12-15, 17-19, and 31-36 are allowed.
4. Applicant's arguments with respect to claims of record have been considered but are moot in view of the new ground(s) of rejection.
5. Any inquiry concerning this communication should be directed to examiner

George A. Goudreau at telephone number (571)-272-1434.

  
George A. Goudreau  
Primary Examiner  
Art Unit 1763